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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,867	08/30/2000	Suzanne P. Hassell	061607-1390	2151
24504	7590	07/22/2005	EXAMINER	
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP 100 GALLERIA PARKWAY, NW STE 1750 ATLANTA, GA 30339-5948			SCHUBERT, KEVIN R	
			ART UNIT	PAPER NUMBER
			2137	

DATE MAILED: 07/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/650,867

Applicant(s)

HASSELL ET AL.

Examiner

Kevin Schubert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

PD

DETAILED ACTION

Claims 1-61 have been considered.

Continued Examination Under 37 CFR 1.114

5 A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/5/05 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

15 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7-8 and 25-26 recites the limitation "said location". There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

20 Claim 47 recites the limitation "said switch". There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

25 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

30 (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5 Claims 1-2,5,8,10-11,19-20,23,26,28-29,37-38,41,44,48,54, and 56-57 are rejected under 35 U.S.C. 102(e) as being anticipated by Dinh, U.S. Patent No. 6,434,615.

As per claims 1,19,37, and 54, the applicant describes a method for providing connectivity between a first communication device and a second communication device, said second communication
10 device residing in an access provider communication system, comprising the following limitations which are met by Dinh:

- a) receiving a specification from a user by said first communication device, the specification comprising at least one predefined identifier that identifies the second communication device (Col 6, lines 4-16);
- 15 b) receiving a request to establish connectivity between the user and said second communication device (Col 6, lines 4-16);
- c) associating said predefined identifier with said second communication device (Col 6, lines 4-16);
- d) establishing connectivity between said first communication device and said second
20 communication device based upon said specified predefined identifier (Col 6, lines 4-16);
- e) receiving at least troubleshooting data and a test from the user (Col 5, lines 5-30);
- f) communicating said received troubleshooting data and said test to the second communication device (Col 5, lines 5-30);

Dinh discloses a system in which a user on a controlling computer utilizes a communication
25 server (220 of Fig 2) in order to connect with one of a plurality of standalone computer systems (270,280, and 290 of Fig 2). The controlling computer sends an IP address to the communication server identifying the standalone computer which the controlling computer wishes to connect with. The communication server receives the IP address and sends a data packet to the particular standalone computer system

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associated with the IP address to facilitate a connection. A connection is then established between the controlling computer and the standalone computer. The controlling computer then sends troubleshooting and test data to the standalone computer to perform a plurality of diagnostic tests.

5 As per claims 2,20,38, and 56, the applicant describes the method of claims 1,19,37, and 54, which are met by Dinh, with the following limitation which is also met by Dinh:

Wherein said second communication device is an endpoint (Fig 2).

10 As per claims 5 and 23, the applicant describes the method of claims 1 and 19, which are met by Dinh, with the following limitation which is also met by Dinh:

Wherein said step of establishing connectivity further includes the step of routing data over a plurality of physical links associated with said predefined identifier (Col 6, lines 4-16).

15 As per claims 8,26, and 44, the applicant describes the method of claims 1,19, and 37, which are met by Dinh, with the following limitation which is also met by Dinh:

Wherein said location is a site in said access provider communication system (Col 6, lines 4-16).

20 As per claims 10-11,28-29,41,48, and 57, the applicant describes the method of claims 1,19,37, and 54, which are met by Dinh, with the following limitation which is also met by Dinh:

Further including the step of assigning a first internet protocol (IP) address, wherein said first IP address corresponds to said second communication device (Col 6, lines 4-17).

Claim Rejections - 35 USC § 103

25 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5 Claims 3-4,6-7,9,16-17,21-22,24-25,27,34-35,39-40,42-43,51,53,55, and 60-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinh in view of the applicant's admitted prior art.

As per claims 3,9,21,27, and 55, the applicant describes the method of claims 1,19,37, and 54, which are met by Dinh, with the following limitation which is met by the applicant's admitted prior art:

10 Wherein said step of establishing connectivity further includes the step of actuating at least one switch such that a plurality of physical links associated with a plurality of data link connection identifiers (DCLIs) are coupled together (Spec page 6, Fig 1).

Dinh discloses all the limitations of the independent claims. However, Dinh is silent as to the particulars about the connection between the controlling computer and the remote standalone computer.
15 The applicant's admitted prior art discloses that a connection between two computers may take place by actuating at least one switch such that a plurality of physical links associated with DCLIs are coupled together (Spec page 6, Fig 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of the applicant's admitted prior art with those of Dinh and actuate a switch in order to
20 route data because doing so is a well-known method of effectively communicating data.

As per claims 4,6,22,24, and 53, the applicant describes the method of claims 3,5,21,23, and 37, which are met by Dinh in view of the applicant's admitted prior art, with the following additional limitation which is also met by the applicant's admitted prior art:

25 Wherein said step of actuating at least one switch further includes the step of actuating a digital subscriber loop access multiplexer (DSLAM) connected to a plurality of second communication devices such that said second communication device associated with said specified identifier is connected by said step of establishing connectivity (52 of Fig 1; page 17)

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As per claims 7,25, and 43, the applicant describes the method of claims 1,19, and 37, which are met by Dinh, with the following limitation which is met by the applicant's admitted prior art:

5 Wherein said location is a site in a network service provider communication system (Spec: page 3).

As per claims 16,34,51, and 60, the applicant describes the method of claims 1,19,37, and 54, which are met by Dinh, with the following limitation which is met by the applicant's admitted prior art:

10 Wherein said step of accessing further includes the step of verifying, wherein a right to access is verified and the steps of specifying and establishing are implemented only after the right to access is verified (Spec: page 7).

As per claims 17,35, and 61, the applicant describes the method of claims 1,19, and 54, which are met by Dinh, with the following limitation which is met by the applicant's admitted prior art:

15 Wherein the steps of accessing, specifying, associating, and establishing are defined as a session, and wherein a plurality of sessions are implemented concurrently (Spec: pages 4-6);

As disclosed by the Spec, the use of DCLIs allows multiple logical connections to be multiplexed over the same channel.

20 As per claims 39,40, and 42, the applicant describes the troubleshooting portal of claim 37, which is met by Dinh, with the following limitation which is met by the applicant's admitted prior art:

Wherein a portion of said access provider communication system is a frame relay based communication system (Spec: page 2).

25 Claims 12,30, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable Dinh in view of Hasenstein, (Diplomarbeit: IP Network Address Translation. 1997. pages 1-13).

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As per claims 12,30, and 58, the applicant limits claims 10, 28, and 57 respectively, which are met by Dinh, with the following limitation which is met by Hasenstein:

further including the step of associating said first IP address by network address translation with one of a plurality of predefined addresses (Introduction);

5 Dinh describes a system which meets all the limitations of claims 10,28, and 57 where a user can access a plurality of communication devices. However, Dinh fails to describe a system where network address translation is used. According to Hasenstein in his Introduction, network address translation is an efficient way to circumvent IP shortage. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Hasenstein with those of Dinh because using
10 network address translation helps circumvent IP shortage.

Claims 13-14,31-32, and 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinh in view of Mack, U.S. Patent No. 6,192,044.

15 As per claims 13-14,31-32, and 49-50, the applicant describes the method of claims 10,28, and 48, which are met by Dinh, with the following limitation which is met by Mack:

Wherein the step of assigning said first IP address is assigned by an access provider (Col 5, lines 53-61);

Dinh discloses all the limitations of claims 10,28, and 48. However, Dinh fails to disclose that the
20 first IP address is assigned by an access provider.

Mack discloses a communication system between a first and second device in which an access provider dynamically assigns an IP address to a callee from a plurality of predefined unassigned IP addresses on a per-session basis.

It would have been obvious to one of ordinary skill in the art at the time the invention was filed to
25 combine the ideas of Mack with those of Dinh because having an IP address be dynamically assigned allows for the number of IP addresses to be minimized which means that IP addresses that aren't being used aren't wasted on inactive computers.

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Claims 15,33, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinh in view of Sheresh, (Proxy Server 2.0. April 1999. pages 1-5).

5 As per claims 15,33, and 59, the applicant further limits claims 10,28, and 57 respectively, which are met by Dinh, with the following limitation which is met by Sheresh:

further including the step of associating said first IP address by proxy with one of a plurality of predefined IP addresses (pages 1-5);

10 Dinh satisfies all the limitations of claims 10, 28, and 57. However, Dinh fails to disclose the use of a proxy to associate a first IP address with one of a plurality of predefined IP addresses.

Sheresh discloses three benefits to using a proxy method, including the benefit of IP address aggregation and management. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Sheresh with those of Dinh because using a proxy method increases the efficiency of the system.

15

Claims 18,36, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinh in view of Dowling, U.S. Patent No. 6,574,239.

20 As per claims 18,36, and 52, the applicant describes the method of claims 1,19, and 37, which are met by Dinh, with the following limitation which is met by Dowling:

Further including the step of monitoring, wherein the step of monitoring monitors the activity between said first communications device and said second communications device, and further including the step of terminating, wherein the step of terminating terminates connectivity after a predefined period of no activity (Col 13, lines 21-25);

25 Dinh discloses all the limitations of claims 1,19, and 37. However, Dinh does not disclose the step of terminating a connection after a predefined period of no activity. Dowling discloses this limitation. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine

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the ideas of Dowling with those of Dinh because terminating a connection after a predefined period or no activity ensures that system resources are not wasted by a stale connection.

Claims 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinh in view of

5 Kikinis, U.S. Patent No. 2002/0057671.

As per claims 45-47, the applicant describes the troubleshooting portal of claim 37, which is met by Dinh, with the following limitation which is met by Kikinis:

Further comprising an address table residing in a memory in communication with said processor,
10 said address table containing a predefined endpoint associated with said second communication device, and wherein said user specifies to said processor said endpoint ([0022], claim 23);

Dinh discloses all the limitations of claim 37. However, Dinh does not disclose that the communication server, which is a portal in the system, has any sort of address table to facilitate connection. Kikinis discloses the idea of a bridge computer which facilitates a connection between two
15 computers by receiving an incoming connection request, referring to a look-up table, and then completing the connection according to the corresponding destination number/IP address related to the connection request. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Kikinis with those of Dinh because adding an address table to the communication server of Dinh's system makes the system more robust by adding an organized, efficient way for the
20 communication server to make a connection with a standalone computer.

Response to Arguments

Applicant's arguments, see Remarks, filed 7/5/05, with respect to the 103(c) exclusion principle have been fully considered and are persuasive. The applicant has properly invoked the 103(c) exclusion
25 principle thereby overcoming the 103(a) rejection made in the final rejection, mailed 4/5/05. Therefore, the rejection has been withdrawn. However, upon further consideration, new ground(s) of rejection has been applied.

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Conclusion

This action is made non-final.

Any inquiry concerning this communication or earlier communications from the examiner should
5 be directed to Kevin Schubert whose telephone number is (571) 272-4239. The examiner can normally
be reached on M-F 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,
Emmanuel Moise can be reached on (571) 272-3868. The fax phone number for the organization where
this application or proceeding is assigned is 703-872-9306.

10 Information regarding the status of an application may be obtained from the Patent Application
Information Retrieval (PAIR) system. Status information for published applications may be obtained from
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15 at 866-217-9197 (toll-free).

KS

Matthew D. Smithers
MATTHEW SMITHERS
PRIMARY EXAMINER
Art Unit 2137

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